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Methodological Approaches to Comparative Law

Roger Williams University School of Law

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ROGER WILLIAMS UNIVERSITY SCHOOL OF LAW
PRESENTS THE ANNUAL MEETING OF

THE AMERICAN SOCIETY OF COMPARATIVE LAW

METHODOLOGICAL
APPROACHES TO
COMPARATIVE LAW

THURSDAY, OCTOBER 1, 2009

THROUGH

SATURDAY, OCTOBER 3, 2009

PROGRAM SCHEDULE

THURSDAY, OCTOBER 1, 2009

7:00 p.m. **RECEPTION**
Bristol Harbor Inn, Bristol, Rhode Island

FRIDAY, OCTOBER 2, 2009

All events for Friday will be held at the School of Law, Ten Metacom Avenue, Bristol.

8:15 a.m. **BREAKFAST**

9:00 a.m. **OPENING REMARKS**
Dean David Logan, Professor Edward Eberle, Roger Williams University
Dean Symeon Symeonides, President, American Society of Comparative Law

9:15 a.m. **INTRODUCTORY ADDRESS ON COMPARATIVE LAW:**
Mirjan Damaska, Yale University

9:30 a.m. **PANEL 1 -**
COMPARATIVE LAW METHOD: PAST, PRESENT AND FUTURE

This panel will discuss the modern historical roots of comparative law, in the beginning of the 20th century, but especially in the influence of European émigrés after World War II on the comparative methodological approach of mainly studying doctrine, concerning topics such as contract, torts, or civil procedure. Part of this entailed the search for practical solutions to legal problems. The question here is: is this approach of functionalism still relevant or outmoded? Is studying doctrine too narrow? Can we understand law only by studying rules? Or, to really understand the law of a territory, do you need to know how rules function within the culture? The panel will then switch to evaluation of comparative law methods not just of the past, but of the present and future.

Moderator: Louise Ellen Teitz, Roger Williams University

Speakers: David Clark, Willamette University
David Gerber, Chicago-Kent
James Maxeiner, University of Baltimore
Peter Quint, University of Maryland

PROGRAM SCHEDULE

11:00 a.m. **COFFEE BREAK**

11:30 a.m. **PANEL II
COMPARATIVE LAW AND SOCIETY**

This panel will examine the forces that are embedded in a society and/or culture that help form and give the society substance. These forces tend to lie beneath the surface of law, but help shape and vest the law of a territory. The panel might consider the impact of history, philosophy, religion, language, sociology, economics, politics, anthropology, and ethnicity, among other factors.

Moderator: Mortimer Sellers, University of Baltimore

Speakers: Vivian Curran, University of Pittsburgh
Edward Eberle, Roger Williams University
Amalia Kessler, Stanford University
James Whitman, Yale University

1:00 p.m. **LUNCH**

2:00 p.m. **PANEL III
COMPARATIVE LAW AND CRITICAL LEGAL STUDIES**

This panel will look at comparative law from the perspective of Critical Legal Studies. Is law just politics? Is looking at law comparatively just an exercise in studying power arrangements? What role do politics and power play in the formation and entrenchment of social forces, including in politics, economics, and law? Does the influence of European-based legal systems reflect the dominance of Europeans over Africans, Asians, or South Americans? Are there alternative ways of arranging law?

Moderator: Louise Ellen Teitz, Roger Williams University

Speakers: Anna di Robilant, Boston University
Ilhyung Lee, University of Missouri
Teemu Ruskola, Emory University
Nora Demleitner, Hofstra University

3:30 p.m. **BREAK**

PROGRAM SCHEDULE

4:00 p.m.

PANEL IV - COMPARATIVE LAW AND THE WORLD

This panel will evaluate the methodology and goals of comparative law throughout the world, focusing mainly on Central and South America, Africa, and Asia, with perhaps some consideration of North America and Europe. Are there universal approaches to comparative law or is it a matter of regionalization?

Moderator: Jayanth Krishnan, Indiana University

Speakers: Dominique Custos, Loyola University, New Orleans
Jayanth Krishnan, Indiana University
Christian Okeke, Golden Gate University
Maximo Langer, University of California

6:00 p.m.

RECEPTION

7:00 p.m.

DINNER

SATURDAY, OCTOBER 3, 2009

All events for Saturday will be held at the School of Law, Ten Metacom Avenue, Bristol.

9:00 a.m.

BREAKFAST AND PRESENTATIONS BY ISSUES FACING NEW/YOUNG COMPARATIVISTS

Moderator: Colin Picker, University of Missouri-Kansas City

10:30 a.m.

BUSINESS MEETING

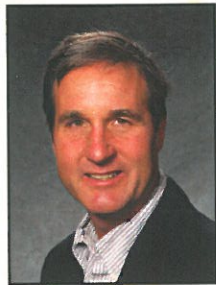
12:00 p.m.

LUNCH

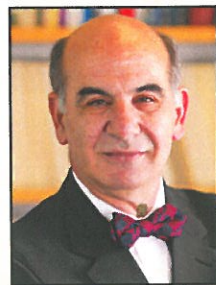
SPEAKERS (IN SPEAKING ORDER)



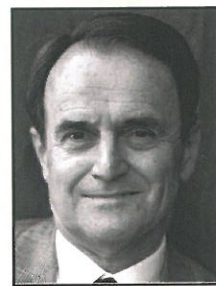
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SPEAKERS



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Roger Williams University



Jayanth Krishnan
Indiana University



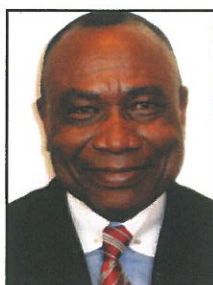
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Roger Williams
University

SCHOOL OF LAW

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